

REMARKS

Summary of Phone Interview

A phone interview was held between Examiner Steven P. Sax and Agent Trieu T. Mai on
5 February 5, 2009 at 1 pm ET to discuss independent claims 1 and 51. During the phone
interview, Examiner Sax indicated that amending the claims to distinctly point out how
the incomplete call automatically activates the hook-up would allow the independent
claims to overcome the 35 U.S.C. § 103 rejections over the cited references.

Claim Status

10 Claims 1 and 51 are currently amended. Claims 10 and 52 are cancelled. Claims 59-60 are
new.

Text related to the amendments of claims 1 and 51 and new claims 59-60 can be found at
15 least on page 7, lines 17-20, page 4, lines 16-18, page 8, lines 7-12, and page 10, lines 24-
30 of the application as originally filed. No new matter is introduced.

Regarding 35 U.S.C. § 103 Rejections

Claims 1-8, 10-11, 13-31, and 50-58 were rejected under 35 U.S.C. § 103 as being
20 unpatentable over Glitho et al (US 2004/0078256) and Hesse (US 2003/0174826). Claim
12 was rejected under 35 U.S.C. § 103 as being unpatentable over Glitho et al (US
2004/0078256) and Hesse (US 2003/0174826) and Creamer et al. (US 6735294).

With respect to independent claim 1, Applicant traverses this rejection on the grounds that not all elements are taught by the combination of references. It is noted that claim 1 is currently amended to distinctly claim the types of incomplete calls that automatically trigger the HUA. In particular, claim 1 requires *automatically activating the HUA* in response to an *incomplete telephone call* made by a first of said at least two people to a second of said at least two people, wherein said incomplete telephone call that activates said HUA is indicated by a *busy signal*, an *answering machine*, a *voicemail*, a *facsimile machine*, or a *computerized agent*. In other words, the HUA responsible for determining an appropriate time, scheduling, and initiating the event or activity is automatically activated when a telephone call from person A to person B does not result in person B speaking, but results instead in a busy signal, an answering machine message, a voicemail, a facsimile machine, or a computerized agent.

It is noted that the Examiner cites paragraphs 42, 58, 76, and 77 of Hesse as teaching the above element of automatic activation of the HUA. It is noted that Hesse is directed to a videoconferencing system for a plurality of stations, such as in a prison environment. The cited text of Hesse does not teach or suggest anything to do with *activating a HUA from an incomplete telephone call, wherein the incomplete telephone call is indicated by a busy signal, an answering machine, a voicemail, a facsimile machine, or a computerized agent*. In particular, paragraph 42 of Hesse describes scheduling a conference and storing records of completed and cancelled conferences. Paragraph 58 describes stations for having the conference. Paragraphs 76-77 describe scheduling and revising the schedule for conferences based on availabilities and capabilities of participants.

In addition, claim 1 is amended to further specify that the activated HUA initiates the scheduled event or activity, wherein the initiation establishes a real-time communication (phone call, chat, etc.) between the at least two people. The cited references fail to teach or
5 suggest automatically initiating a real-time communication.

Independent claim 51 is similarly amended to include requirements on the type of incomplete telephone calls that activates the HUA and the types of events initiated by the HUA after activation.

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For at least these reasons, Applicant holds independent claims 1 and 51 patentable over the cited references as the cited references do not include all elements of claim 1 or claim 51. Claims 2-8 and 11-31, and 50 depend from claim 1, so the above arguments in connection with claim 1 are also responsive to the rejections of claims 2-8, 11-31, and 50.

15 Claims 53-58 depend from claim 51, so the above arguments in connection with claim 51 are also responsive to the rejections of claims 53-58. Accordingly, Applicant holds that claims 1-8, 11-31, 50-51, and 53-58 are allowable over the cited references.

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CONCLUSION

The Applicant hereby submits a bona fide attempt to address the rejections in the Office Action and argues why the present claims are different from the art of record. The
5 Examiner is sincerely invited to telephone the undersigned at 650-424-0100 for clarification or any suggested actions such as an Examiner's Amendment to accelerate prosecution and forward the present application to allowance. Allowance of the claims now in the application is kindly requested.

10 Respectfully submitted,

/ Trieu T. Mai /

15 Trieu T. Mai
Reg. No. 61,354
Lumen Patent Firm, Inc.
2345 Yale Street, Second Floor
Palo Alto, CA 94306
650-424-0100 (phone)

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